



307408771.

If found, please return to

THE LIBRARY
MAGDALEN COLLEGE
OXFORD OX1 4AU

ANGUS & ROBERTSON LTD.
New & Secondhand Booksellers
Publishers to University
89 Castlereagh St. Sydney.

Magdalen College Library

Class No. [AKR 2599]

822.5

C1B



306309786%





MR^S. CIBBER,

from an original painting in the possession of Cha^s. Bedford Esq

An Account of the Life

OF THAT

CELEBRATED ACTRESS,

MRS.

USANNAH MARIA CIBBER

WITH

Interesting and Amusing Anecdotes.

ALSO THE TWO

REMARKABLE AND ROMANTIC TRIALS

BETWEEN

THEOPHILUS CIBBER AND WILLIAM SLOPER.

READER, LONDON.

1887.

MAGDALEN COLLEGE LIBRARY

080903

Life of Mrs. Susannah Maria Cibber.

THE maiden name of this accomplished actress, whose performances in her own walk have seldom been equalled, and we believe never excelled, was Arne. She was the daughter of Mr. Arne, an upholsterer in King Street, Covent Garden, at whose house the Indian Kings lodged in the reign of Queen Anne, as mentioned in the *Spectator*, No. 50. Her brother was the celebrated Dr. Thomas Augustine Arne. She was born about the year 1715, and seems to have been indebted for her connection with the Theatre to her brother, whose passion for music, after several fruitless attempts to restrain him, being permitted to take its course, he, in a short time, as Dr. Burney informs us, "bewitched the whole family. On discovering that his sister was not only fond of music, but had a very sweet-toned and touching voice, he gave her such instructions as soon enabled her to sing for Lampe in his opera of *Amelia*."* This piece was written by Henry Carey, and was performed at the theatre in the Haymarket in the year 1732. Mr. Davies† says he believes that she acted, when she was about fourteen years of age, the part of Tom Thumb, in the opera of that name, set to music by her brother; but this conjecture, we apprehend, has no foundation in truth. Her success as a singer appears not to have been very consider-

* Burney's History of Music.

† Life of Garrick, Vol. II., p. 106.

able; for, though she displayed much taste, nature had not endowed her with a voice of extent equal to her acquired skill. She, however, obtained some reputation in singing a song from *Rosamond*,* which was often repeated between the acts of several plays on a variety of occasions. In March, 1733, she performed *Rosamond* at Lincoln's Inn Fields, and in the season of 1733-4 she was one of the seceders from Drury Lane to the Haymarket, under the banner of Mr. Theophilus Cibber, whose wife she became in the month of April, 1734. On the 28th of March preceding, a masque, entitled *Love and Glory*, by Mr. T. Phillips, had been acted at Drury Lane, the first time, for her benefit.

The union of Mr. Cibber and Miss Arne was not approved by Mr. Cibber's father, as the lady brought no fortune to her husband. The harmony which at first subsisted between them, and the good conduct of Mrs. Cibber, soon reconciled the old gentleman to his daughter-in-law, and in a short time he began to interest himself in the welfare of the young couple. He observed that her voice was not the best in the theatre; and, as he afterwards said, if not best it was nothing.† He thought it might possibly do better for speaking. He therefore asked her husband if he had ever heard her attempt to speak a part. Receiving a favourable answer to this enquiry, he desired to hear her himself, and was surprised to find her, in his own words, do it so well. After this he took much pains with her, and received much satisfaction from her improvement. For, as he added, she was very capable of

* *The Comforts of Matrimony*, p. 9. 8vo. 1739.

† These facts are taken from Mr. Cibber's evidence on the trial hereafter mentioned.

receiving instruction. "In forty years' experience that I have known the stage, I never knew a woman at the beginning so capable of the business, or improve so fast." In her first attempt she had also, as Mr. Davies asserts, and with great probability, the aid of Aaron Hill, the author of *Zara*, who gave her critical lessons upon every line of her part.

It was near two years after Mrs. Cibber's marriage that she made her first essay as a tragedienne, in which capacity she immediately established her reputation on so firm a basis that her superiority over every other performer in that line was, from that period, scarcely disputed.

On the 6th day of January, 1736, *Zara* was first produced* at Drury Lane theatre, and Mrs Cibber performed the principal character. She had to contend with no small difficulties ; for the part of Osman was performed, the first night, by the author's nephew, a raw, unpractised actor, in a manner so little to his credit that he never repeated it. On the succeeding five nights the part was read, and on the seventh, Mr. William Mills, having made himself perfect, became the representative of the Sultan of Jerusalem until the fourteenth night. Previous to the play, a Prologue, written by Colley Cibber, was spoken by his son Theophilus, which concluded with these lines :

Thus far the Author speaks—but now the Player,
With trembling heart prefers his humble prayer.

* This admirable play was originally acted at the great room in Villiers Street, York Buildings, the 29th of May, 1735. It was repeated three times: the first for the benefit of Mr. Bond, a dramatic author in distress, who performed the part of Lusignan. He was then in a very weak condition, and fainted on the stage, from whence he was carried home in a chair, and died the next morning. See *The Prompter*, by A. Hill, No. 60.

To-night the greatest venture of my life
 Is lost, or saved, as you receive—a wife :
 If time you think may ripen her to merit,
 With gentle smiles support her wav'ring spirit :
 Zara in France at once an actress rais'd,
 Warm'd into skill by being kindly prais'd :
 O ! could such wonders here from favour flow,
 How would our Zara's heart with transport glow !
 But she, alas ! by juster fears oppress'd,
 Begs but your bare endurance at the best.
 Her unskill'd tongue would simple nature speak,
 Nor dares her bounds, for false applauses, break.
 Amidst a thousand faults, her best pretence
 To please—is unpresuming innocence.
 When a chaste heart's distress your grief demands,
 One silent tear outweighs a thousand hands,
 If she conveys the pleasing passions right,
 Guard and support her this decisive night.
 If she mistakes—or finds her strength too small,
 Let interposing pity—break her fall.
 In you it rests, to save her or destroy ;
 If she draws tears from you, I weep—for Joy.

She afterwards, between this period and 1738, performed the characters of Indiana, Isabella in *Measure for Measure*, Eudocia, Belvidera, Monimia, Desdemona, Cleopatra, Amanda in *The Relapse*, Mrs. Loveit in *The Man of Mode*, the Lady in *Comus*, and Cassandra in *Agamemnon*. Her salary the first season was £100, and a benefit, by which she was supposed to get £100 more. The second and third season her salary was raised to £200, and her benefit became more productive, as she grew, according to Mr. Fleetwood the manager's declaration, much in the favour of the town. She afterwards insisted on as good a salary as any woman in the house, and the first benefit ; neither of which being accorded to her, she quitted Drury Lane in 1738.

About three years Mr. Cibber and his wife lived together in great harmony, and during that period had two children, who both died soon after their birth. Cibber was a despicable character, profligate, turbulent, vain and profuse, and possessed but few of the qualities necessary to render the state of marriage a state of happiness. His extravagance in a short time embarrassed him, and to obtain a temporary relief he is supposed to have introduced to his wife a young gentleman, Mr. Sloper, whom he permitted with singular meanness to supply his pecuniary wants; and at the same time is suspected to have connived at, if not consented to, his own dishonour. In the summer of 1738 his affairs were so embarrassed that he was obliged to go over to France; and his wife, by this time having lost all regard for him, continued a connection with Mr. Sloper which had begun before, and resided with him during the absence of her husband, at Burnham, in Buckinghamshire. From this place she was taken by her husband by force, and afterwards was released by her brothers. The disgraceful state in which all the parties now were became a subject of public notoriety, and Mr. Cibber, having no further expectations from Mr. Sloper's generosity, determined to try whether he could not obtain by means of the law some satisfaction for the loss he was likely to sustain, and some compensation for the injury he affected to feel. He accordingly brought his action against Mr. Sloper, and laid his damages at £5000. The cause came on to be heard the 5th December, 1738, when both the adultery of the wife and the connivance of the husband were facts so clearly established that the jury, which was a special one, dismissed the plaintiff with only £10 damages. From this period Cibber seems to have lost all credit with the world.

The rest of his life passed in poverty and contention, in extravagances and dissipation, the sport of fortune, an object of both pity and contempt.

The disgraceful verdict Mr. Cibber had obtained had no other effect than to irritate the parties towards each other. Mrs. Cibber, in February, 1739, was brought to bed of a daughter,* and continued secreted from her husband, who, if we are to credit his Counsel in a subsequent trial, had offered to forgive and receive her again. It appears she was at this time supported by Mr. Sloper, whose visits to her were conducted with so much circumspection that no evidence could be produced of any intercourse between them. The place of her retreat, however, was discovered, and her husband, with great brutality, forced himself into her apartment, and carried off with him whatever valuables belonging to her he could lay his hands upon. Soon afterwards, he brought another action against Mr. Sloper for the loss he had sustained by the detention of his wife from her employment in the theatre, and laid his damages at £10,000. This action was tried on the 4th of December, 1739, and on this occasion he found the jury more liberal than their predecessors. He obtained a verdict for £500.

During the next two years there is a chasm in Mrs. Cibber's life which we are unable to fill up. It is certain, however, that she was, during that time, totally lost to the public, and without any theatrical employment. It is most probable she depended on Mr. Sloper for subsistence, and lived secluded from the world. The authority of her husband still remained in force, and he was in no way

* In September, 1756, the newspapers mention the death of Miss Cibber, daughter of Mrs. Cibber, who was greatly indisposed from the loss of a most amiable and *only* child.

disposed to permit her to exercise her talents for her own advantage. She therefore left England, and went to Dublin, where she made her first appearance December 21, 1741, in the character of Indiana in *The Conscious Lovers*, to Mr. Quin's Young Bevil. Her agreement was for £300, a sum the managers were well enabled to pay from the money she drew, though to her first night there was not ten pounds.*

The performances of Mr. Quin and Mrs. Cibber were very successful. Chamont and Monimia they repeated several times. They also played together Comus and the Lady, the Duke and Isabella in *Measure for Measure*, the Spanish Friar and Elvira, Horatio and Calista, &c., with uncommon applause,† and generally to crowded houses.‡ It was in Dublin, also, that her musical talents were again brought before the public. Mr. Handel, after an unsuccessful struggle with fortune in England, took refuge in Ireland, and there first produced the oratorio of *The Messiah*. Finding Mrs. Cibber in the capital of that kingdom, he engaged her assistance, and took great pains to improve the abilities he found in her. The first performance was in December, 1741. "No person of sensibility," says Mr. Sheridan,|| "who has had the good fortune to hear Mrs. Cibber sing in the oratorio of *The Messiah*, will find it very difficult to give credit to accounts of the most wonderful effects of music produced from so powerful a union. And yet it was not to any extraordinary powers of voice (whereof she has but a moderate share), nor to a greater degree of

* Hitchcock's *View of the Irish Stage*, p. 115.

† See Verses to her on her acting at Dublin. *Gent. Mag.*, 1742, p. 158.

‡ Hitchcock's *View*, p. 116.

|| *British Education*, 8vo, 1769, p. 395.

skill in music (wherein many of the Italians must be allowed to exceed her), that she owed her excellence, but to expression only, her acknowledged superiority in which could proceed from nothing but skill in her profession." Dr. Burney also bears the like honourable testimony. Speaking of Rubinelli's singing "Return, O God of Hosts," in *The Messiah*, he says, "Indeed, I missed several apoggia-turas which I remember Mrs. Cibber to have introduced, who learned to sing the air from the composer himself; and who, though her voice was a thread, and her knowledge of music very inconsiderable, yet, from her intelligence of the words, and native feeling, she sung this admirable supplication in a more touching manner than the finest opera singer I ever heard attempt it; and Monticelli, Guadagni, Guarducci, and Pachierotti, were of the number."* At one of the performances of this oratorio, Dr. Delany,† the friend of Swift, was so affected with her manner that, unable to restrain his feelings, he started up, and, throwing his arms towards her, in a loud voice exclaimed, "*Woman! thy sins be forgiven thee!*"

In the summer of 1742 Mrs. Cibber returned to England. By this time, it may be presumed, she and her husband were become weary of harrassing each other, and were sensible of the folly of it. He had been pestered with suits in the Commons and in the Court of Chancery, and she had been prevented from performing on the stage. They, therefore, agreed to a suspension of hostilities, and she was allowed to engage at any theatre she pleased, and to be

* Burney's *History of Music*, Vol. IV., p. 526.

† This is asserted on the credit of Mr. Sheridan, sen., who was present. Mr. Davies, in his *Life of Garrick*, Vol. II, p. 110, calls him a certain Bishop; but this is one of the many errors to be found in that work.

mistress of her own income. She, in consequence of this agreement, resumed her station in London, and appeared at Covent Garden, 22nd September, in the character of Desdemona to Mr. Quin's Othello. On this occasion the audience were so surprised with the uncommon energy with which, in the character of Desdemona, she asserted her innocence, that it produced a burst of applause seldom heard in a theatre.*

In the season of 1744-5 she removed to Drury Lane, at which theatre Mr. Garrick also was engaged. In this year she first performed the part of Constance in *King John*, which she executed in so superior a manner as to extinguish the merit of every other performer, though Mr. Garrick represented the King. "Of all the variety and extent of the tragic passions, I know of none," says Mr. Victor,† "equal to that of Constance in *King John*." Mrs. Cibber surpassed all that have followed her in that character. When she entered, with dishevelled hair and wildness in her eyes, having lost her son—her "*pretty Arthur*," the Cardinal and others attempting to comfort her, she sunk on the ground, and looking round with a dignified wildness and horror, said,

"Here I and Sorrow sit! this is my throne!

Let Kings come bow to it."

Nothing that ever was exhibited could exceed this picture of distress; and nothing that ever came from the mouth of mortal was ever spoken with more dignified propriety. The late Mrs. Woffington, who was excellent in many parts of this character, could never succeed in this particular passage. Mrs. Cibber never executed it without a burst of

* From the information of a person present.

† Victor's *History of the Theatres*, Vol. III, p. 81.

applause from the whole audience. With Mrs. Woffington it was less noticed than many other parts of that character; and though I had the pleasure of being very intimate with that agreeable actress, and often mentioned this circumstance to her, and have been often with her when she has tried to execute what I have described, yet on the stage it ever failed." So excellently was this character acted as even to extort praise from her husband, who spoke of it as an inimitable performance, at a time when he was in no manner inclined to think of her with much kindness.* In this season *Tancred and Sigismunda* was first acted, and Mrs. Cibber performed Lady Townley for her own Benefit.

The next season she was unemployed at either house; but in December, 1745, she displayed her loyalty by performing Polly, three nights, in *The Beggars' Opera*, for the benefit of the Veteran scheme, a plan at that time set on foot for the benefit of the soldiers, similar to that since established at the Crown and Anchor Tavern.† On the 5th of that month she put forth the following advertisement: "Whereas I published an Advertisement, on Saturday last, in the *London Courant* and *Daily Advertiser*, making an offer of playing the part of Polly in *The Beggars' Opera*, at Drury Lane Playhouse, Monday, Tuesday, and Wednesday se'n-night, provided the Manager agreed that the profits of the

* See his *Serio-comic Apology*, subjoined to *Romeo and Juliet*, published 1748, p. 92.

† It was first begun by Mr. Samuel Smith, a merchant, in Cat-eaton Street, who submitted it to the public in some letters signed "A Veteran," from whence the plan received its name. The subscription was opened at Garraway's Coffee House, and produced above £19,500, exclusive of 20,000 flannel waistcoats supplied by the Quakers, and 400 watch-coats furnished by the vestry of St. James's, Westminster.

house for those three nights should be paid to the Veteran scheme at Guildhall; I accordingly wrote a letter the same morning to the Manager for that purpose; but receiving only a verbal answer from him, late at night, which was to defer the performance one day; and Mr. Rich having yesterday sent me the offer of his house, proposing generously to give the whole receipts for the three nights into the said scheme, I think it my duty to accept of it, as it will be of more service, and by his consent shall play the part of Polly, at the Theatre Royal, in Covent Garden, Saturday the 14th instant, and the Monday and Tuesday following. S. M. CIBBER."

The opera was accordingly performed on those nights, and produced £602 7s., all the performers giving up their salaries on this occasion, and the tallow-chandlers furnishing the candles gratis.

In the season of 1746-7 Mrs. Cibber was engaged at Covent Garden with Quin and Garrick, but performed in no new piece brought out at that theatre. The next year, 1747-8, commenced the management of Messrs. Garrick and Lacy, at Drury Lane, to which theatre Mrs. Cibber removed, and that season performed *Fidelia* in *The Foundling*, and the next year, *Aspasia* in Dr. Johnson's *Irene*. The succeeding year she was unemployed; but in 1750-51 she joined the company at Covent Garden for that season, rendered formidable by the united labours of herself, Mrs. Woffington, Mr. Quin, Mr. Barry, Mr. Macklin, &c. The contest between the two houses was less unequal at this period than it had been at any time since the management of Mr. Garrick had taken place. It began with the performance of *Romeo and Juliet*, which continued for twelve nights at Covent Garden, and thirteen at Drury

Lane, each without intermission. At the former house, Romeo, Juliet, and Mercutio were performed by Barry, Mrs. Cibber,* and Macklin; at the latter by Garrick, Mrs. Bellamy, and Woodward. The merits of these performers, in the general cast of their characters, was at the time decidedly in favour of Mr. Garrick and Mrs. Cibber; but in the parts of Romeo the balance was much more even. Garrick, in the fire and spirit, and the quick transitions of passion, was superior to every competitor; but the melting tones of Barry's courtship, in the opinion of the best judges, the ladies, have never been equalled since this period. Mrs. Cibber's Juliet was unrivalled. The next season, 1751-2, she still continued at Covent Garden; and at her benefit, March 17, first performed a character in which she by no means excelled, that of Lady Macbeth. She the same evening produced *The Oracle*, translated from a French piece she had seen the preceding summer at Paris, and represented Cynthia; a part, the simplicity of which formed a complete contrast to the masculine turbulence of Lady

* In *Romeo and Juliet*, as written by Shakespeare, the heroine, when she wakes, makes use of a dagger belonging to Romeo. In Garrick's alteration, Juliet leaves the dagger on the table, to prevent being forced to marry Paris, should the draught not take effect; consequently she has no other resource than the dagger in Romeo's girdle. This practice continued (and without accident) for several seasons after Garrick's first revival of the piece; but in Cibber's last season at Covent Garden, when playing Juliet with Barry, she fumbled and fumbled—no dagger was to be found! At last, evidently much distressed, she held up her delicate hand (which was really so), and ideally plunged the weapon to her heart. The audience did not laugh, but applauded, from respect to her talents; but the instant the curtain dropped laughter prevailed throughout the theatre, and from that night Juliet has ever trusted to her own care that necessary plaything, the dagger.

Macbeth. The succeeding year, 1752-3, was destined at the conclusion of it to separate two performers, Mr. Barry and Mrs. Cibber, whose superiors, we may say equals, in parts of love or tenderness, have not been since seen on the English Theatre. Certain we are that in parts of these descriptions a union of two performers of equal excellence cannot be pointed out. In this season Mrs. Cibber performed Rutland in Jones's *Earl of Essex*, and spoke an epilogue written by Mr. Garrick, with whom she was then negotiating to join his company at Drury Lane.

The separation of Mr. Barry and Mrs. Cibber was very injurious to the reputation of the former. The young lady, Miss Nossiter, who succeeded to Mrs. Cibber, was soon found to be very inadequate to the performance of so capital a cast of characters. After a few performances it was evident that her powers did not exceed mediocrity. On her first appearance Mr. Barry spoke a prologue, in which he referred to the desertion of his former partner in the following lines :

Who could have thought that Juliet e'er could prove
False to her Romeo, faithless to her love ?
She on whose voice the enraptur'd audience hung,
Caught by the angelic music of her tongue ?
In such sad plight what could poor Romeo do ?
Why, faith, like modern lovers, seek a new ;
And happy shall I think me in my choice,
If she's approv'd of by the public voice.

Mrs. Cibber from this time performed only at Drury Lane Theatre, where, though with frequent interruptions of ill health, she continued to delight the public until the time of her death.*

* Mrs. Cibber wrote to Murphy, requesting he would send her word as to the success of his *Orphan of China*, adding, "I shall

In the first season of her engagement at Drury Lane she performed Venusia in *Boadicia*, and Virginia in the tragedy of that name; in 1754-5, the second Constantia in *The Chances*, and Zaphira in *Barbarossa*; in 1755-6, Perdita in the *Winter's Tale*, Thyra in *Athelstan*, and Estifania in *Rule a Wife and Have a Wife*; a part which she almost immediately resigned to Mrs. Pritchard. In the autumn of that year she lost her daughter, and performed but seldom, if ever; but the succeeding one, 1757-8, she appeared as Isabella in Garrick's alteration of *The Fatal Marriage*, Mrs. Wilding in *The Gamesters*, and Euanthe in *Agis*. In 1758-9 she performed Amestris in *The Ambitious Stepmother*, and Eurydice in Mallet's play of that name; and in the next year hazarded her reputation by performing Lady Sadlife in *The Double Gallant*; but made amends by her admirable acting in Imoinda in Hawkesworth's alteration of *Oroonoko*, and in Cornelia in *The Siege of Aquileia*. In 1760-1, her inclination towards comedy again revived; but she added little to her reputation by the performance of Widow Belmour in *The Way to Keep Him*, and Violante in *The Wonder*. In the season of 1761-2, at the age of little less than fifty years, she performed, in *The School for Lovers*, the part of Celia;* a girl whose age was originally

ever offer up my prayers for your success." Foote read the letter aloud, and returned it, saying with great gravity, "Mrs. Cibber is a good Catholic, and they always pray for the dead." The company laughed, but the author looked with a "foolish face of praise."

* "This," says Mr. Victor, "was entirely owing to that uncommon symmetry and exact proportion in her form that happily remained with her to her death."—*History of the Theatres*, Vol. III, p. 81. Mr. Garrick once related to the writer of this book that at a meeting in his house of Mr. Whitehead, the author of the piece, Mrs. Cibber, and the other performers, Mr. Whitehead, on Mr. Garrick's

marked for fifteen years, in a style so admirably simple, natural, and elegant, as to be sufficient to deceive the nicest observers. She afterwards performed but one new character, Elvira in Mallet's tragedy of that name, in January, 1763.

For several years before her death she had been subject to a disorder which was unknown to her physician, and which was consequently treated in an improper manner. Her frequent returns of illness had several times occasioned her death to be announced in the public papers. On the 13th of December, 1765, *The Provoked Wife* was performed at Drury Lane by command of their Majesties, in which she represented Lady Brute, a character she was remarkably fond of. "The acting this part," says Mr. Davies, "when her health was so infirm, some people believed to be the immediate cause of her death; but the truth is, she had been strongly pressed to bathe in sea water, to which she had a most fixed aversion: however, she complied with the advice of a very eminent and skilful physician, and that compliance precipitated her death. Her indisposition was supposed to be a bilious colic; but on her body being opened it proved that her disorder arose from stomach-worms.*

She died the 31st of January, 1766, and on the 6th of February was buried in the Cloisters in Westminster Abbey. By her will, made in June, 1757, in the life-time of her husband, by virtue of a deed of separation between suggestion, asked Mrs. Cibber, who was reading her part with her spectacles on, if it would not be better to add a few years to Celia's age. After a very slight consideration, she desired it might not be altered, as she liked it better as it then stood.

* Life of Garrick, Vol. II, p. 107.

them, she gave all her property of every kind to Mr. Sloper, in trust for her two children, Charles and Susannah Maria;* but left no legacies whatever. She died a Roman Catholic.

A gentleman who was in company with Mr. Garrick when the news of her death was brought, heard him pronounce her eulogium in the following words:—"Then Tragedy expired with her; and yet she was the greatest female plague belonging to my house. I could easily parry the artless thrusts, and despise the coarse language of some of my other heroines; but whatever was Cibber's object, a new part or a new dress, she was always sure to carry her point by the acuteness of her invective and the steadiness of her perseverance.†"

In the year 1760, Churchill, in *The Rosciad*, described her in the following lines, which were at that time allowed to exhibit a genuine portrait:

Form'd for the tragic scene to grace the stage,
 With rival excellence of love and rage;
 Mistress of each soft art, with matchless skill
 To turn and wind the passions as she will;
 To melt the heart with sympathetic woe,
 Awake the sigh, and teach the tear to flow;
 To put on frenzy's wild, distracted glare,
 And freeze the soul with horror and despair;
 With just desert enrolled in endless fame,
 Conscious of worth, superior Cibber came.
 When poor Alicia's madd'ning brains are rack'd,
 And strongly imag'd griefs her mind distract,
 Struck with her grief I catch the madness too,
 My brain turns round, the headless trunk I view!

* By this it appears that the newspaper information mentioned on page 8 was inaccurate.

† *Biographia Dramatica*, Vol. I, p. 85.

The roof cracks, shakes and falls!—new horrors rise,
And reason buried in the ruin lies.
Nobly disdainful of each slavish art,
She makes her first attack upon the heart ;
Pleas'd with the summons it receives her laws,
And all is silence, sympathy, applause.
But when by fond ambition drawn aside,
Giddy with praise, and puff'd with female pride,
She quits the tragic scene, and in pretence
To comic merit breaks down nature's fence,
I scarcely can believe my ears, my eyes,
Or find out Cibber through the dark disguise.

Mr. Baker, the original author of the *Biographia Dramatica*, describes her in the following terms: "Her person was perfectly elegant ; for although she somewhat declined beyond the bloom of youth, and even wanted that *embonpoint* which sometimes is assistant in concealing the impression made by the hand of time ; yet there was so complete a symmetry and proportion in the different parts which constituted this lady's form, that it was impossible to view her figure and not think her young, or look in her face and not consider her handsome. Her voice was beyond conception plaintive and musical, yet far from deficient in powers for the expression of resentment or disdain ; and so much equal command of feature did she possess for pity or rage, of complacence or disdain, that it would be difficult to say whether she affected the hearts of an audience most when playing the gentle, the delicate Celia, or the haughty, the resenting Hermione ; in the innocent, love-sick Juliet, or in the forsaken, the enraged Alicia. In a word, through every cast of tragedy she was excellent, and, could we forget the excellence of Pritchard, we should be apt to say inimitable. She made some attempts in comedy. They

were, however, in no degree equal to her excellence in the opposite walk.”* Mr. Davies says, “Her great excellence consisted in that simplicity which needed no ornament; in that sensibility which despised all art: there was in her person little or no elegance: in her countenance a small share of beauty; but nature had given her such symmetry of form, and fine expression of features, that she preserved all the appearance of youth long after she had reached to middle life. The harmony of her voice was as powerful as the animation of her look. In grief and tenderness her eyes looked as if they swam in tears; in rage and despair they seemed to dart flashes of fire. In spite of the unimportance of her figure, she maintained a dignity in her action, and a grace in her step. In conversation Mrs. Cibber was extremely agreeable; she was civil without constraint, and polite without affectation. She was not the mere actress; her accomplishments rendered her dear to persons of the first quality of her own sex. There was ever such an engaging decency in her manner, that, notwithstanding a peculiarity of situation, she charmed and obliged all who approached her. She was a perfect judge of music, vocal and instrumental; and though she was not mistress of a voice requisite to a capital singer, yet her fine taste was sure to gain her the applause and admiration of the best judges.”† Mr. Wilkinson observes: “I know it is said that first impressions do a great deal; but I can also assert that from Mr. Garrick, Mr. Quin, Mrs. Bellamy, Mrs. Crawford, and others, I could convey to any hearer a strong idea of their manners, tones, &c., which would be acknowledged and allowed as real traits by the most rigid

* *Biog. Dram.*, Vol. I, p. 84.

† *Life of Garrick*, Vol. II, p. 108.

observer now existing. But Mrs. Cibber's excellence was of that superior kind that I can only retain her in my mind's eye. Not that all her characters were equally astonishing; for Mrs. Cibber was but a mere mortal: yet her Alicia, Constance, Ophelia, Indiana, Juliet, &c., were truly her own. Neat simplicity of manners in comedy was equally so. But her fine ladies, and parts of striking humour, had better be (as they are) forgotten."*

* *Memoirs of his Life*, Vol. IV, p. 164.

THE

Trials of Two Causes

BETWEEN

THEOPHILUS CIBBER, GENT., *Plaintiff,*

AND

WILLIAM SLOPER, ESQ., *Defendant,*

The First for Crim. Con.,

The Second for Detaining the Plaintiff's Wife.

L O N D O N .

1740.

The Trial for Criminal Conversation.



ON Thursday, the 5th of December, 1738, at nine o'clock in the morning, at the sitting of the Court of King's Bench, in Middlesex, before the Right Hon. Sir William Lee, Knt., Lord Chief Justice of that Court, came on the remarkable trial before a special jury of gentlemen, of a cause in which Theophilus Cibber, Gent., was the Plaintiff, and William Sloper, Esq., was Defendant.

The Declaration (which was opened by the Junior Counsel for the Plaintiff) was for Assaulting, Ravishing, and Carnally Knowing Susannah Maria Cibber, the Plaintiff's wife; and this was laid to be done at several periods of time, as divers days between such a day, to such a day, at each period. Whereby (the Declaration said) the Plaintiff lost the Company, Comfort, Society, Assistance, &c., of his wife to his damage of FIVE THOUSAND POUNDS.

The Counsel for the Plaintiff were Mr. Solicitor General, Mr. Hollings, Sergeant Agar, Mr. Marsh, Mr. Dennison, and Mr. Lawson; and the Counsel for Defendant were Sergeant Eyre, Mr. Noel, Mr. Lloyd, Mr. Murray, and Mr. Barnardiston.

It is here proper to let the reader understand that this trial is not taken in the very words at length, as is sometimes done when a shorthand writer can be conveniently placed. But the person who attended on this occasion was at such disadvantage that he was forced to take it in an abridged way, writing down the substance of it as well as he could. We thought good to mention this, that we may

not be understood to impose on our readers, nor to injure the great men concerned. We therefore hope that neither the learned gentlemen at the Bar nor the Court will be offended that we cannot do them full justice in printing at length the very good arguments on both sides, and his Lordship's excellent charge to the jury.

Mr. Solicitor General (John Strange, Esq.) stated the case for the Plaintiff, and (among many other things) observed to the Court and the Jury that the injury done to the Plaintiff was of the most tender concern to his peace of mind, happiness, hopes of prosperity, and was the highest of all injuries for which he could come before them to seek a recompense or satisfaction in damages, and that indeed it was impossible to give a pecuniary satisfaction adequate to the injury, for that no sum of money could restore a man's tranquillity of mind, but that the Plaintiff must rest upon such remedy as the law had given him.

He further observed (upon the Plaintiff's being a Player) that 'tis true the Plaintiff was a Player, but he was also a gentleman, being well descended and having a liberal education; that the Plaintiff himself was a good Player, and that his father was well known to all gentlemen who delighted in theatrical entertainments to be of the first figure in that profession, and an author too, and the Plaintiff's grandfather was the best Statuary of his time; and that the Plaintiff, by the mother's side, was related to William of Wickham, and in right of that pedigree had received his education upon a foundation of that great man.

He said he knew it was attempted by some to have the Players considered in a matter of this nature as not upon the same footing with the rest of the subjects, as if it were

more lawful to invade their properties than those of other people ; but he knew no law that deprived them of those comforts, or of those rights which other subjects ought to enjoy. That the Stage had been cherished and encouraged by the wisest statesmen as a school of virtue and good morals, and that many receive good lessons and impressions from what they hear at the Theatre, who perhaps don't incline to go seek for instruction elsewhere.

That there had been a good deal of pains taken to spread a report about town as if the Plaintiff had been consenting to the wrong the Defendant had done him, but this was only to lose the credit of the Plaintiff's cause before the trial, and that it might come with prejudice before the Jury. That his brief instructed him that there could not be the least colour or shadow of proof to support such a surmise.

Mr. Solicitor General also stated the evidence for the Plaintiff, in part as it comes from the Plaintiff's witnesses in the following pages, but as to part of what comes from Mr. Carter, of Kensington, it doubtless was never mentioned in his brief. As to the principal facts, he mentioned the witness Mr. Hayes looking through a hole in a wainscot partition, which parted Mr. Hayes's closet from a room in which the Defendant and Mrs. Cibber were together, and that through that hole Mr. Hayes, at several different days and times, saw them guilty of criminal familiarities, and in such acts, and with such circumstances, and particularly the last time, he (Mr. Hayes) saw such a sight as he (Mr. Solicitor) would leave to the witness to tell, for it ought to be related but once.

Mr. Hollings spoke very well on the same side, pathetically observing to the Gentlemen of the Jury, the mischievous

consequences of suffering a man to commit such an injury to the married state without being obliged to repair it in damages, that the Plaintiff was an Englishman, and as such, had rights which ought not to be invaded, particularly in the present instance, that he had brought his case before a Jury of English gentlemen, and he (Mr. Hollings) did not doubt that they would give the Plaintiff proper damages.

The Plaintiff's Counsel then proceeded to call their witnesses ; and first, to prove the marriage between the Plaintiff and his wife, they called Mrs. Brett, but she did not appear at this time.*

The Plaintiff's Attorney then named Mr. Cibber, the Plaintiff's father, who, being present in Court, was sworn. His evidence was in substance as follows.

Q.—Do you know of the Plaintiff's being married to his present wife ?

MR. CIBBER.—I was not at the marriage, but I am as well convinced that they were married, as that I myself was married. I was against the match.

Q.—Why were you against the match ?

MR. CIBBER.—Because she had no fortune.

Q.—Did they at first live happily together ?

MR. CIBBER.—They did live happy, very happy, much happier than I expected, as I was adverse to the match.

Q.—How long did they thus live happily together ?

MR. CIBBER.—About three years. Within that time they had two children, which are both dead.

Q.—Did Mr. Cibber, the Plaintiff, during that time support her well and liberally, as became an affectionate husband ?

MR. CIBBER.—He did, even to profusion. I often ad-

* She appeared in the afternoon, as will be mentioned hereafter.

monished him about it, and advised him to retrench his expenses, for I thought them a good deal too large for his condition, or what he was able to afford. He made her several valuable presents of rings and jewels.

Q.—Is not Mrs. Cibber a good actress, and how did she become so ?

MR. CIBBER.—When they married she was a singer, but there were better voices. I thought her voice not the best, and if not best, it's nothing. I thought it might possibly do better for speaking. I asked her husband if he had ever heard her speak a part ; he said he had, and that she did it very prettily. I tried her, and was surprised to find her do it so very well.

Q.—Did not her husband take pains to instruct her ?

MR. CIBBER.—I believe I was the person who chiefly instructed her. I spent a good deal of time, and took great delight in it, for she was very capable of receiving instruction. In forty years' experience that I have known the stage, I never knew a woman at the beginning so capable of the business, or improve so fast.

Q.—When did you first hear of any disagreement in the family ?

MR. CIBBER.—Soon after he came from France, about last April.

Mr. Fleetwood, Master of Drury Lane Playhouse, was sworn.

Q.—Sir, do you know the Plaintiff's wife ? Is she a good player ?

MR. FLEETWOOD.—Yes sir, I think her a good player for her time.

Q.—What salary did you give her ? What advantages did she bring to her husband ?

MR. FLEETWOOD.—She played three seasons. For the first, her salary was an hundred pounds, and she had a benefit.

Q.—What was the benefit worth ?

MR. FLEETWOOD.—I can't be particular, because I have not looked into the accounts on this occasion. If I had known I should have been examined as to this, I could have been particular. I believe it might be a hundred pounds.

Q.—Well, sir, the second year ?

MR. FLEETWOOD.—The second year, sir, I gave her two hundred pounds salary, and she had a benefit.

Q.—What was the benefit worth ?

MR. FLEETWOOD.—That must have been a good deal better than an hundred pounds.

Q.—Then the third year ?

MR. FLEETWOOD.—Her salary the third year was two hundred pounds, and she had a benefit.

Q.—What was that worth ?

MR. FLEETWOOD.—I believe it must have been worth an hundred and fifty pounds, for she grew much in the favour of the town, and 'twas a very good benefit.*

Q.—Sir, how comes it that Mrs. Cibber does not play this season ?

* The examination to these matters was at first opposed by the Defendant's Counsel as not being supported by the Declaration, but the Plaintiff's Counsel insisted, that it being laid in the Declaration, that by the means there alleged, the Plaintiff had lost the assistance of his wife, he had a right to prove the loss he had sustained by the Defendant's taking her off the stage, and the *quantum* of that loss. And of that opinion was the Court, so Mr. Fleetwood was examined as above. The Defendant's Counsel insisted that nothing here appeared that the Defendant had taken her off the stage, and they cross-examined Mr. Fleetwood.

MR. FLEETWOOD.—Because we could not agree upon the terms. I would not come up to her terms.

Q.—What were her terms?

MR. FLEETWOOD.—She insisted to have as good a salary as any woman in the house, and the first benefit.

Q.—Perhaps she deserves as much; is she not as good a player as any in the house?

MR. FLEETWOOD.—I can't say that, I can't pretend to determine that. I have got more money by Mrs. Clive.

Mr. Quin, Mr. Johnson, and some others were called for this purpose, but the Court was of opinion 'twas now proper for the Plaintiff's Counsel to establish their principal fact.

Mrs. Hayes was then sworn.

Q.—Mrs. Hayes, pray give my Lord and the Jury an account of the Defendant's and Mrs. Cibber's coming to your house. Do you know Mrs. Hopson?

MRS. HAYES.—Yes, sir, it was just this day twelve months, the fifth of December, that Mrs. Hopson came into my lodgings. I live in Blue Cross Street, Leicester Fields. On the Saturday Mrs. Hopson came to my house and took my lodgings. She beat them down as low as she could, for she said she was a single woman, and should give but little trouble; she had nobody to come after her but a lady and a gentleman that would come to see her sometimes. She had the lodgings for seven shillings a week; two rooms on the first floor. There was a bed in each of them. One of the beds was a turn-up bed. She was to come in on Sunday, but she sent me word that she should not come in till Monday, and on Monday, the fifth of December, she came in a hackney coach, and some boxes and some things with her. On Sunday, in the evening, a young gentleman, whom I afterwards knew to be Mr. Sloper, called and

asked if Mrs. Hopson had not taken the lodgings, and whether she was come. We told him that she had taken the lodgings, but that she had sent word she should not come till Monday.

She lay there on Monday night. Neither Mrs. Cibber nor Mr. Sloper came that day, but they came soon after—I think it was on a Tuesday—and they supped together, and went away between eleven and twelve o'clock. Mrs. Hopson sat up and let them out, and locked the door after them. They often came in the space of six weeks that Mrs. Hopson had the lodgings—I believe near twenty times. They did not come together, but dropped in one after the other. They sometimes dined, but most commonly supped there. Mrs. Hopson used to leave them together every time they came; sometimes an hour, sometimes two or three hours at a time. She often made errands to go out to buy something, and sometimes sat two hours at a time below stairs with me, while they were above together. They stayed sometimes till one or two o'clock in the morning, and how they went away I cannot tell, for I was in bed at these times, but I believe they usually went in chairs or coaches.

Q.—When they were thus left alone did they use to fasten the door?

MRS. HAYES.—Yes, the door used to be fast. Mrs. Hopson used to go and knock at it, and they let her in; and sometimes she could not get in, and used to come down stairs again.

Q.—How did you know they were Mr. Sloper and Mrs. Cibber?

MRS. HAYES.—There was an acquaintance of mine at my house one day when Mrs. Hopson came down stairs to me,

one Mr. Rowe, and he knew Mrs. Hopson. "How do you do, Mrs. Hopson?" said he; so, after she was gone, I asked him who Mrs. Hopson was, and he told me she was Mrs. Cibber's maid; so I gave her warning, and let my lodgings to another, for I did not like their coming. Mrs. Hopson did not usually lie there o' nights, except when they had been there in the evening, but on those nights she did lie there. One day after I gave her warning Mr. Sloper was in a great passion above stairs at something, and Mrs. Hopson came to me. "You have made a fine kettle of fish of it," says she. I did not know what she meant by her kettle of fish. "What fish do you mean?" says I. "Why, there," says she, "you have been talking of matters, and he's stark mad of it above stairs." She would have kept the lodgings, but I chose not; I let them to another, and so they went away.

Q.—Did Mr. Cibber ever call at your house and talk with you about them?

MRS. HAYES.—Yes, about five or six months ago he came and asked me if Mrs. Hopson had not lodged there I told him she had. He asked who came to see her, and I described them, both by their clothes and their persons; so he said no more, and went away.

Mr. Hayes sworn.

Q.—Sir, give an account of Mrs. Hopson's lodging at your house, and who came to see her, and what happened.

MR. HAYES.—When Mrs. Hopson had my lodgings, Mr. Sloper and Mrs. Cibber came often to her, and she used to leave them together two or three hours at a time. They used to go away at one, two, or three o'clock in the morning, in coaches or chairs. I have a closet on the same floor, adjoining to the room where they used to sit; I bored holes

through the wainscot, and could see them very plain. He used to kiss her, and take her on his lap. On the twelfth day of January I was locked up in the closet at one o'clock in the afternoon, and he came first, and he was angry because she was not come, and sent Mrs. Hopson for her. In about two hours she came. Mrs. Hopson went away and left them alone; so he spoke something to her in an angry way about Mr. Fleetwood. She said she would take away his brother from his house, and that she did not value Mr. Fleetwood. He and she grew friends again, and they made it up, and he took her upon his lap.

Hereupon some further questions were offered as to the fact. His Lordship interposed to this effect: "There is no occasion to be more particular; we are not trying a rape." However, the witness did say there was a criminal conversation; and, being a foreigner, he expressed himself as much by gesture as by words.

Q.—Was their chamber locked?

MR. HAYES.—No, it was fastened with a screw. The holes are there to be seen in the wainscot and the door.

Q.—Whom did the screw belong to?

MR. HAYES.—I believe it was Mrs. Hopson's. I have seen it lying in the chamber window.

Q.—How did you know whom they were?

MR. HAYES.—Mr. Rowe was one day at our house, and he spoke to Mrs. Hopson, and afterwards he said she was Mrs. Cibber's maid. Besides, I dogged them both home in their chairs. Her chair carried her to Mr. Cibber's house, No. 12, in Little Wild Court, and his chair went to his father's house in St. James's Place. After he was gone into the house I asked the chairmen whose house that was, and they told me old Mr. Sloper's. I had often seen him at the tennis court, and knew his name there.

Mr. Rowe was sworn.

MR. ROWE.—I was one day at Mr. Hayes's, and Mrs. Hopson came in. I asked her how she did. I had known her for a good many years before ; and the last time I had seen her I had been told she lived with Mr. Cibber. I believe I told Mr. Hayes so.

JURYMAN.—My Lord, we would beg leave to call back the last witness (Mr. Hayes), to ask him this question—Why he took the pains to dog Mr. Sloper's chair at that time of night, to learn who he was, when he had known him before at the tennis court.

Mr. Hayes being called in again, and the question put to him, he answered to this purpose : "As Mr. Sloper and Mrs. Cibber came into my house I knew them both, because I had seen him at the tennis court and her on the stage ; but to be more certain I went and followed their chairs, as I told you."

Mr. Carter was sworn.

Q.—Give an account of Mr. Cibber and Mrs. Cibber's lodging at your house in March last, and whether Mr. Sloper resorted there.

MR. CARTER.—Yes, sir, on the second of March Mrs. Cibber took the lodgings. I believe for them all there were three beds.

Q.—Do you remember anything of Mr. Cibber's going to France, and whether Mr. Sloper came there during his absence.

MR. CARTER.—Yes. Mr. Cibber went to France soon after, and Mr. Sloper did lodge there part of the time while he was absent, and he lodged there again soon after Mr. Cibber came back, and there was a lodging taken for Mr. Cibber at Blue Green, about a mile and a half from

Kensington, and afterwards Mr. Cibber, Mrs. Cibber, and Mr. Sloper had supped together, Mr. Cibber had a man with a lanthorn and a candle, between nine and ten o'clock at night, to light him to Blue Green. He came back to breakfast next morning, and every morning, and they dined and sometimes supped together, and he went to Blue Green at night, and Mr. Sloper and Mrs. Cibber lay at my house, but I do not know what beds they lay in. When Mr. Sloper went away from my house back to London, Mr. Cibber left Blue Green and came and lay at my house.

Q.—Who bore the expense of their house-keeping?

MR. CARTER.—Mr. Sloper did. Sometimes he gave my wife money to lay out, at other times my wife laid out what was necessary, and made a bill of it, and Mr. Sloper paid it.

Q.—Did Mr. Cibber know this?

MR. CARTER.—Yes, sir, it was very often before his face.

Q.—Did he offer to pay anything?

MR. CARTER.—No Sir.

Hannah Calcot and Ruth Calcot, being severally sworn and examined, had little to say.

They lived at Burnham in Buckinghamshire, where Mr. Sloper and Mrs. Cibber spent part of last summer. They did not live in the family. The amount of their evidence was, that Mr. Sloper and Mrs. Cibber lived at the same house at Burnham; they were sure he lived there, because they had seen him walk abroad in his slippers, and in an undress.

Fife and Watson being severally sworn (Mr. Fife, 'tis said, is a Sergeant in the Guards), deposed, that they and another in a coach went with Mr. Cibber to Burnham, in September last, to take away Mrs. Cibber; that they left

the coach in a field, and went to the house where she and Mr. Sloper were ; that she was in a night-gown sitting at the tea table, and Mr. Sloper was at the other side of it, in his slippers ; and that Mr. Cibber said he came to demand his wife ; and that Mr. Sloper cursed and swore, and called Mr. Cibber hard names, but suffered one of the witnesses to lead her to the coach, and walked on the other side of her himself ; that she gave him a watch out of her pocket, on which he said, " By G——, well remembered, the rascal would have had it else." That they drove away with Mrs. Cibber in the coach, along with Mr. Cibber and two of his assistants, the third being on horseback. That Mr. Sloper soon overtook them ; that he was booted and on horseback ; that he swore there was a villain in that coach, who should never live to go into another. They came to Slough ; and there, Mrs. Cibber not being well, desired Mr. Sloper (who was at the side of the coach, before the door of the inn) to get her a dram, and that Mr. Sloper brought her a glass of rum. She was about a quarter of an hour in the coach at the door of the inn, while Mr. Cibber was in the house providing for her accommodation. That when Mr. Cibber was in the chamber in the inn, she called her husband a great many villains, and said that now he had ruined her reputation, she did not value it if all the world knew that she was with child by Squire Sloper, and that she loved him dearly, for he was an honourable gentleman ; that Mr. Sloper took up a room in the inn for some time, swore much, and fired a pistol, which one of the witnesses seemed willing to believe was intended at him, but cross-examined, he did own that the muzzle of it was elevated, so as to point over the stable ; and also that Mr. Cibber and his assistants had two cases of pistols loaded. These proved

that Mr. Sloper went away in the night-time from the inn, which determined Mr. Cibber to stay all night ; that he sat up all night himself, and procured a woman to lie in the bed with his wife. She would eat no supper though there was one provided, for she was sulky. The next day he did not take the direct road to London, but drove across part of the country and got to London in the evening.

Stint was sworn.

STINT.—(We hear that Mr. Stint is a candle snuffer at the play-house). Mr. Cibber employed me to take care of his wife when he brought her to town, that she might not be taken away again, and he used her and provided for her very honourably, and gave orders at the tavern, the Bull's Head, near Clare Market, that she should want for nothing; meat was dressed there for her, and brought to her, and wine, a pint of white and a pint of red. She complained that it was cold weather, and I made her a fire, and locked her up in the room, but she knocked and called, and begged for God's sake I would let her out, or else she would be stifled, for the chimney smoked. So I let her out, and put out the fire. Mr. Thomas Arne, her brother, came there, and he begged and prayed that I would let her go along with him, but I would not break my trust—I could not do it. He came several times, and finding I would not do it, began to break open the house, and at the same time bid her cry out murder. She cried out murder, and I believe there was a hundred of a mob assisting him to break open the house. I had a case of pistols, and laid my back against the door ; but they were too strong for me, and took my pistols out of each hand and held me fast by each arm, and beat me severely, and tore all the clothes of my back, and took Mrs. Cibber away with them.

Applesford, the Reading Stage Coachman, was sworn.

This witness proved that he was hired to carry two ladies and a gentleman, sometime in September last, from Slough to Reading. He was to meet them at Slough, and met them accordingly. The gentleman walked out of town in his boots, about half an hour before the coach, and when the witness overtook him, he took him in. He knew neither him nor the women.

This witness was paid two guineas for his charges, and several other witnesses from Slough were also paid, who had nothing to say to the purpose.

Mrs. Brett was sworn.

She proved the marriage; and being asked when and where she saw Mrs. Cibber last, she answered, this morning at her mother's.

This last question was asked because it had been insinuated that Mrs. Cibber at that very time cohabited with Mr. Sloper.

Mr. SERJEANT EYRE, for the Defendant, opened the Defence. And among other things observed, that he believed this was the first action of that kind that ever came from the theatre; that he never heard that it was a place celebrated for virtue; that Mr. Solicitor General had taken some pains to display the Plaintiff's pedigree as descended from William of Wickham; that there was no proof made of this pedigree; but he observed in the time of William of Wickham, who was a clergyman, celibacy prevailed among the clergy; therefore the Plaintiff could not be descended in a right line from him. That love is the most governing passion in human nature; that as it is so, all theatrical plays abound in it; that they cannot expect to please without it. That a very wise and modest man,

who hath wrote one of the best plays extant, could not depend on his hero for success ; that he was forced to interlard it with love scenes or it might probably have been damned the first night ; and this is the tragedy of Cato. That the hero of this piece, that very Cato, the greatest man of the time he lived in, is recorded in history to have had very free notions of love and matrimony ; that he sent his wife to a friend to breed out of her, and when they had done, he took her back again very well contented. That the players are a people who act and enter into all manner of characters ; that their men and women are made to fall in love with each other, this day with one, to-morrow with another ; that this practice in variety must give them an uncommon propensity to love without any confinement of the passion to a particular subject ; 'tis very likely that this enters into their common course of life. That their women learn all the allurements that can engage the eye and ear, and strike the imagination of young gentlemen ; they dress, chat, sing, dance, and charm unguarded young gentlemen, who are not aware of any ill consequences. That it had already appeared, and would further appear in the course of evidence, that if there was a suspicion of anything amiss in the acquaintance between Mr. Sloper and Mrs. Cibber, that the Plaintiff must thank himself for it. That the Plaintiff had taken pains to bring them acquainted, to live under the same roof, and used to leave them together to improve their acquaintance. That he (Serjeant Eyre) hoped that nothing criminal had passed between them, but if there had, the Plaintiff had certainly encouraged it, and had no pretence to come to a Jury for damages.

Mr. Lloyd, on the same side, made an excellent speech, which we do not take upon us to give the reader ; we shall

only mention a hint or two. He hoped (as Mr. Serjeant Eyre had done) that nothing criminal had passed between the Defendant and the Plaintiff's wife ; but if anything seemed to tend that way, it at the same time appeared that the Plaintiff was privy and consenting to whatever intercourse or familiarities there passed between them. That if there had been anything done amiss with such circumstances he submitted to his Lordship's direction, but apprehended that the Plaintiff had no wrong done him, upon this maxim in law and reason, *Volenti non fit injuria* ; and that, therefore, he (the Plaintiff) ought not to have a verdict. But if it should be thought proper (notwithstanding such consent) to find a verdict for the Plaintiff, it would at least be fit and necessary for the Gentlemen of the Jury to proportion it to the size of the trespass, which he hoped would be taken into consideration upon this occasion.

He said this, and much more, in a much better manner than we can relate it (for a reason already given), and proceeded to the evidence for the Defendant.

Anne Hopson was sworn.

Q.—Did you lodge at Mr. Hayes's about this time twelvemonth?

ANNE HOPSON.—Yes, sir. I was then out of service. I had left Mr. Cibber's, and I intended to follow the business of mantua-making. I was bred to it.

Q.—Did Mr. Sloper and Mrs. Cibber sometimes meet at your lodgings?

ANNE HOPSON.—Yes, they came to see me pretty often. They desired they might come there, and usually had a bit of something for supper.

Q.—For what purpose did they meet?

ANNE HOPSON.—As they were acquaintances, to converse together.

Q.—Did you use to go out and leave them alone together?

ANNE HOPSON.—Yes, I often had occasion to go and buy something for supper, or some tea and sugar; and I had occasion to be below stairs to get supper ready.

Q.—When you came upstairs did you use to find the chamber door fast?

ANNE HOPSON.—Sometimes it was so, and Mr. Sloper used to open it to me.

Q.—Pray, what could you believe was the occasion of these private meetings?

ANNE HOPSON.—I will tell you all I know of the matter. I do not fear my character—there are enough in Court that will give me a very good character. It was about March was twelvemonth that Mr. Sloper used first to come to our house, to Mr. Cibber's. The servants did not know who he was, but my master called him Mr. Benefit, and used to say he was a romp, and a good-natured boy. Mr. Cibber was then very bare of money, and afraid of his creditors. I was very sorry for it, for he owed me a good deal of money, and does so still. But one day he told me, "Anne," says he, "I shall have a good deal of money soon, and you shall have some." And I know he soon after had a good deal of money, and he paid me five guineas. That summer we went to lodge at Kingston, and Mr. Sloper with us. My master used often to leave Mr. Sloper and my mistress at home, and go a riding, or abroad somewhere or other. The rest of the servants wondered at it as well as I, but I knew no harm. They did not know Mr. Sloper's name; my master called him his cousin Thompson. Afterwards, when they came to town, I left the service and took that lodging. In last Spring, about March last, I lived with them again. My master took me aside, and made me

promise secrecy concerning something he was about to say to me. He told me he was going to France; that there was an affair between Mr. Sloper and his wife; that he was ruined for ever if it should be publicly known; and he made me promise to live with her till he should come back, that the rest of the servants might not know anything of the matter. I promised him. They took lodgings at Kensington, and my master went to France in March or April. He was some weeks gone, and in his absence Mr. Sloper was commonly at the lodgings at Kensington. When my master came back he was at a bagnio in Goodman's Fields, and sent word to my mistress. Mr. Sloper was not then at Kensington. My mistress and I went to Goodman's Fields in a hackney coach, and he came back with us to Kensington. In our return we changed our coach two or three times by the way, that he might not be discovered. She told him she expected Mr. Sloper in a day or two. My master said he would take a lodging when Mr. Sloper came; or, if there was not time for that, he would go lie at some inn in the town. Within two or three days Mr. Sloper came, and then Mr. Cibber sent and took a lodging at Blue Green; and after supper, about nine or ten o'clock, he went there with a man carrying a lanthorn and candle, and left Mrs. Cibber and Mr. Sloper at the lodgings at Kensington. He came back to breakfast next morning, and dined, and, I believe, supped; and so he did several days, till Mr. Sloper went away, and then Mr. Cibber paid off the lodgings at Blue Green and came to the lodgings in Kensington to his wife.

Q.—Was you at Burnham with Mr. Cibber and his wife and Mr. Sloper?

ANNE HOPSON.—Yes, last summer it was. They three

and I looked over the house, that they might contrive in what rooms to lie, and the rest of the servants know nothing of the affair. It was a large house, seven rooms on a floor. Mr. Cibber's bedchamber and Mr. Sloper's had a door opened between them. Mrs. Cibber used to undress herself in my master's room and leave her clothes there, and put on a bedgown, and take away one of the pillows from my master's bed, and go away to Mr. Sloper's room. My master used to shut the door after her, and say "Good night, my dear," and sometimes he used to knock at their door in a morning to call them up to breakfast, and at other times he sent me to call them; and the pillow was brought back again, for my master's bed was always made with the two pillows.

Q.—Did you see Mrs. Cibber the day she was rescued, and where?

ANNE HOPSON.—Yes, I saw her at her mother's, Mrs. Arne's.

Q.—Was Mr. Sloper there?

ANNE HOPSON.—He was there.

Q.—What became of Mrs. Cibber?

ANNE HOPSON.—I do not know. She went away some where. I did not see her till two or three days afterwards.

Q.—Did you go down into the country with her afterwards.

ANNE HOPSON.—Yes, we went to Reading. Mr. Sloper met us at Slough, and there we went into the Reading coach. Mr. Sloper walked out some time before us, and the coach took him up.

Q.—Where was Mrs. Cibber afterwards?

ANNE HOPSON.—At Reading with Mr. Sloper, till she came to town about five weeks ago.

Mrs. Carter (the wife of a former witness) was sworn.

She gave in substance the same evidence that her husband did before, and that Mr. Sloper used to pay her the money for housekeeping. That when the lodging was taken at Blue Green, and upon her asking the meaning of it she had for answer, 'twas because Mr. Cibber was a mean-spirited dog.

Q.—Why would you keep such a house?

MRS. CARTER.—I thought it no business of mine, if the husband consented and was satisfied.

Jane Phillips was sworn.

Q.—Give the Court, &c.

JANE PHILLIPS.—I lived at Burnham, and used to make the beds—Mr. Cibber and Mr. Sloper's beds. There were two pillows on Mr. Cibber's bed and only one pillow on Mr. Sloper's; but there was the mark of only one person having lain in Mr. Cibber's bed and of two in Mr. Sloper's. The bed-chambers opened into each other. I never saw Mrs. Cibber undress, nor do I know who brought back the pillow every morning.

As hath been said with regard to the rest of the Counsel, so as to Mr. Murray, we shall mention but a few hints from his speech.

He observed that the Plaintiff, by his Counsel, showed himself related to William of Wickham, but would have been better entitled to claim that alliance if he had observed William of Wickham's motto that "Morals make the man." The words are, "Manners make the man;" but manners are there intended to signify morals. That upon the whole of the evidence, he (the Counsel) was afraid that the Plaintiff's wife and the Defendant had gone beyond the bounds of duty; but whatever had passed appeared not

only to have been with the Plaintiff's consent, but even to have been concerted by him. That the Defendant was a young gentleman of fortune who became acquainted with a player and his wife. That she, being mistress of the alluring arts of the stage, first engages the young gentleman's affection, and draws him in, and this with the husband's privity and assistance. For the Plaintiff conceals the Defendant's true name from the knowledge of the servants. At one place he calls him Cousin Thompson; at another, Mr. Benefit; a cant name, taken from a particular night in the year when they get a great deal of money. The Plaintiff tells the servants the Defendant is a romp, and a good-natured boy; and he makes a boy of him. He takes his money, lets him maintain his family, resigns his wife to him, and then comes to a Court of Justice and to a Jury of gentlemen for reparation in damages. The Counsel further represented that it would be of the utmost ill-consequence if it should once come to be understood in the world that two artful people, being husband and wife, might lay a snare for the affections of an unwary young gentleman, take a sum of money from him, and when he would part with no more, then come for a second sum to a Court of Justice. That he (the Counsel) desired to be understood as by no means an advocate for the immorality of the action, "but this is not a prosecution for the public, or to punish the immorality, this is only a question whether the Defendant has injured the Plaintiff; and certainly the Plaintiff cannot be injured if he has not only consented but has even taken a price." However, if it should be thought requisite to find a verdict for the Plaintiff, we had not a denomination of coin small enough to be given him in damages.

Mr. Solicitor General, in his reply, observed the ill-consequence of letting it pass for a law that men might sell their wives, which would be the consequence of giving a verdict for the Defendant.

His Lordship summed up the evidence, and the Jury withdrew, and in about half-an-hour brought in a verdict for the Plaintiff, and TEN POUNDS DAMAGES.

[*The End of the First Trial.*]

A Short Account of the Trial for Detaining the Plaintiff's Wife.

ON Tuesday, the 4th of September, 1739, at nine o'clock in the morning, at the sittings in the Court of King's Bench, in Middlesex, before the Right Honourable Sir William Lee, Knt., Lord Chief Justice of that Court, came on a trial, by a Special Jury of gentlemen, of another Cause in which Theophilus Cibber, Gent., was Plaintiff, and William Sloper, Esq., was Defendant.

The Counsel for the Plaintiff were Mr. Solicitor General, Mr. Marsh, Mr. Bootte, Mr. Henley, and Mr. Townshend. The Counsel for the Defendant were Mr. Lloyd, Mr. Clarke, Mr. Murray, Mr. Dennison, and Mr. Barnardiston.

Mr. Townshend, for the Plaintiff, opened the Declaration, which was for "Trespass and Assault, in taking, leading away, and detaining the Plaintiff's wife;" and again, for "Assaulting, Beating, &c., the Plaintiff's wife, whereby he lost her Assistance, to his Damage of TEN THOUSAND POUNDS."

Mr. Solicitor General (John Strange, Esq.) stated the case for the Plaintiff, and among other things took notice that "there had been another trial last year, for a criminal conversation, in which the Plaintiff had a verdict; that it might have been reasonably expected the Defendant would have discontinued his acquaintance there, but it has unhappily proved otherwise. She has been secreted from her husband in an obscure part of the world, Kennington Lane, never went abroad, and has been there visited by the Defendant, Mr. Sloper. That after the former verdict it

could not be supposed they would act openly or unguardedly, to be as liable to a detection and manifest proof. That the Declaration, therefore, was only for detaining, &c., therefore this present trial was not likely to afford so much mirth and entertainment to the by-standers as the former; but yet that they (*viz.* for the Plaintiff) should lay such an evidence before the Jury as should make it appear the Defendant did not keep her thus retired merely to look on. That if the woman had been left to the influence and proper expostulations of her husband (who has been ready to forgive and cherish her), she might have been reclaimed; but as the Defendant has not been deterred by the verdict of last year there appears no remedy against this conduct, except another verdict for such damages as may be a sufficient warning to him; otherwise, he may be willing to continue this commerce at the expense of submitting to small damages and costs yearly. That the Plaintiff, in wanting the assistance of his wife, has lost her salary of £200 a year, and a benefit worth £200 more."

Mr. Marsh, on the same side, spoke to the same purpose, and observed that everybody who had seen Mrs. Cibber perform must know that she was a woman of an excellent understanding, or she could never perform so well; that this good sense of hers must have caused or revived a compunction in her for the false step she had made, and have induced her to have been all duty and obedience to her husband, and to have used double diligence to have retrieved, or made some amends for, the errors of her former behaviour, if she had not been seduced by the Defendant; who, it seemed, had too powerful an influence over her.

Here Mrs. Brett was called to prove the marriage; but Colonel Moreton, acquainting his Lordship that he had

some call of a public nature in another place, was examined to Mr. Sloper's Declarations, but the Colonel knew not of any. The Defendant's Counsel also admitted the marriage.

Mr. Smith, of Kennington Lane, was sworn.

MR. SMITH.—Last April two women took some rooms of my wife. A gentlewoman came there to lodge two or three days afterwards. The servant's name was Allen. The gentlewoman had lately lain in, and, they said, came there to drink ass's milk; and she did drink ass's milk.

Q.—What was their Agreement?

MR. SMITH.—I do not know; they made the Agreement with my wife. She's here; she can tell.

Q.—When did Mrs. Cibber come to your house?

MR. SMITH.—She came two or three days after they took the lodgings.

Q.—How long did they lodge at your house?

MR. SMITH.—About five months. I cannot be certain. My wife can tell.

Q.—What name did she go by?

MR. SMITH.—(Here he paused.) I have forgot; my wife can tell.

Q.—Did any gentleman come to see her?

MR. SMITH.—Yes.

Q.—What name did he go by?

MR. SMITH.—(Here he paused). He went by the name of Wheeler.

Q.—How often did he come?

MR. SMITH.—Once a fortnight; sometimes oftener.

Q.—At what time of the day did he usually come?

MR. SMITH.—About two or three o'clock, and sometimes stayed till ten. I don't think he ever stayed till eleven.

Q.—Where did they pass their time?

MR. SMITH.—Sometimes they sat in the dining-room; sometimes they walked in the garden; sometimes they sat with us.

Q.—Was there not a bed-chamber adjoining to that dining-room.

MR. SMITH.—Yes, but they always sat with the door open. The door was generally open. Everyone that went upstairs or down could see 'em as they sat, and there was a gentleman lodged next room.

Q.—What relation did you think there was between your lodger and the gentleman (whose name you have forgot) that visited her?

MR. SMITH.—We fancied them to be a new-married couple that had a mind to keep it private, but he passed for her brother.

Q.—Then who was to be her husband?

MR. SMITH.—A country gentleman, somewhere in the country.

Q.—Whom do you now believe to be her husband?

MR. SMITH.—When Mr. Cibber came we believed Mr. Cibber to be her husband.

Q.—(By the Defendant's Counsel.) When Mr. Cibber came what did he do?

MR. SMITH.—He brought two or three men along with him, and took some of her things away.

Mrs. Smith sworn.

She gave, in substance, the same account as her husband had done, with this further: that, upon the taking her lodgings, she (the witness) had caused enquiry to be made at the former lodgings in Devonshire Street, where they said they could assure her that the gentlewoman was a married woman. This witness also remembered that Mrs.

Cibber went by the name of Archer; that the witness's daughter commonly marketed for her, and had the money from Mrs. Allen.

Q.—Has Mr. Wheeler, or Mr. Sloper, been at your house since Mrs. Cibber was there?

MRS. SMITH.—He has called there twice. The first time was about three or four months ago, the last time about a fortnight or three weeks since.

Q.—What did he say?

MRS. SMITH.—The last time he said Mr. Cibber had brought an action against him, and asked if we could say any harm of him.

Mrs. Sukey Smith sworn.

She confirmed what her father and mother had sworn, and gave an account of the taking the lodging, and of Mrs. Cibber's coming there with a maid (Mrs. Allen) and a nurse and child about two months old, named Mary. She described two gardens belonging to the house, with a summer-house and arbour in them, which were all within the view of ten or twelve windows of the house, from whence everything could be seen that was done. That one Mr. Shaw, a surgeon, came there, and fancied he knew Mrs. Cibber. She also said that she saw Mrs. Archer write in a book, which (she believes) was the same which was produced to her at the trial. That the child had the small-pox, and was attended by Mr. Blisset, an apothecary. That in a few days after Mr. Shaw had been there Mr. Cibber came, and the next day after Mr. Cibber had been there Mrs. Cibber went away.

Mr. Smith (the son) sworn.

He agreed with the other witnesses, with this: "I can give no account of the times of the gentleman's coming to

visit, because I generally spent all the day in the city. Sometimes when I came home at night I found him there, and he went away usually at ten at night. I am sure he never stayed later than eleven (being asked as to his opinion). At first, by reason of his frequent coming, I believed he was a young gentleman of fortune who had married her unknown to his relations; but afterwards I began to alter my opinion, because he never lay in the house. Gentlemen, you may remember a night of terrible thunder and lightning last summer. He happened to be there that night. He went away in the midst of that weather, though we pressed him to stay, and offered to get ready a bed for him; but he went away, and I lent him my greatcoat."

This witness gave an account how the clerk of the Plaintiff's attorney came there lately to make enquiry, personating the Defendant's attorney, which the Court declared to be a foul piece of practice. The Plaintiff's attorney said it was done without any order from him; he knew nothing of it.

Watson, sworn and examined, and cross-examined, said: "I am a shoemaker. I went along with Mr. Cibber. He went upstairs directly. He said he came to demand his wife. She promised to go. He took some linen and apparel. She was in bed, but we went out of the room till she was dressed. He said he was to dine at the Rummer Tavern at two o'clock, and desired her to come to him there, and said she should never want a shilling while he had it. She promised so to do. He took her purse, in which there was eighteenpence and a pocket piece, but he threw it back. He had her watch; 'twas a silver watch."

Mr. Campbell (the Defendant's banker) was sworn.

The account book was shown to him. He had never seen the Defendant write any more than his name several times, but had some letters from him. This witness believed divers short entries in the account book to be the Defendant's handwriting, as: "*Account at Mrs. Smith's, April 19th—Allen having 20 guineas in hand—Left in Allen's hand 50 guineas—Brought forward.*"

Mr. Arne (Mrs. Cibber's brother), being sworn, proved the handwriting in the book.

Mrs. Knightley sworn.

"I live in Devonshire Street. Mrs. Archer (whom I since hear to be Mrs. Cibber) came to lodge at my house the 12th of January last, and stayed there fourteen weeks all but a day. A gentleman came to see her sometimes, but I never knew his name. She never went abroad all the time. She was brought to bed there. The christening was abroad. She had her maid Mrs. Allen, and a wet-nurse, and a nurse who sat up with her the whole month. She was brought to bed on the 26th of February. They had the dining-room and bed-chamber, and rooms up two pair of stairs; the rent was twenty-six shillings a week, and was paid monthly by Mrs. Allen till the last time. She was recommended to me as the wife of a country gentleman. I heard the nurses had three guineas each at the christening, and that the christening cost ten guineas."

Mrs. Bishop sworn.

This witness had a crown from Mrs. Archer, in Devonshire Street, as servant there.*

Messrs. Rich and Milward, being severally sworn, proved that Mrs. Cibber could have £200 a year, salary, and that her benefit might be worth £100.

* There was an entry in the book of 5/- to Mrs. Bishop.

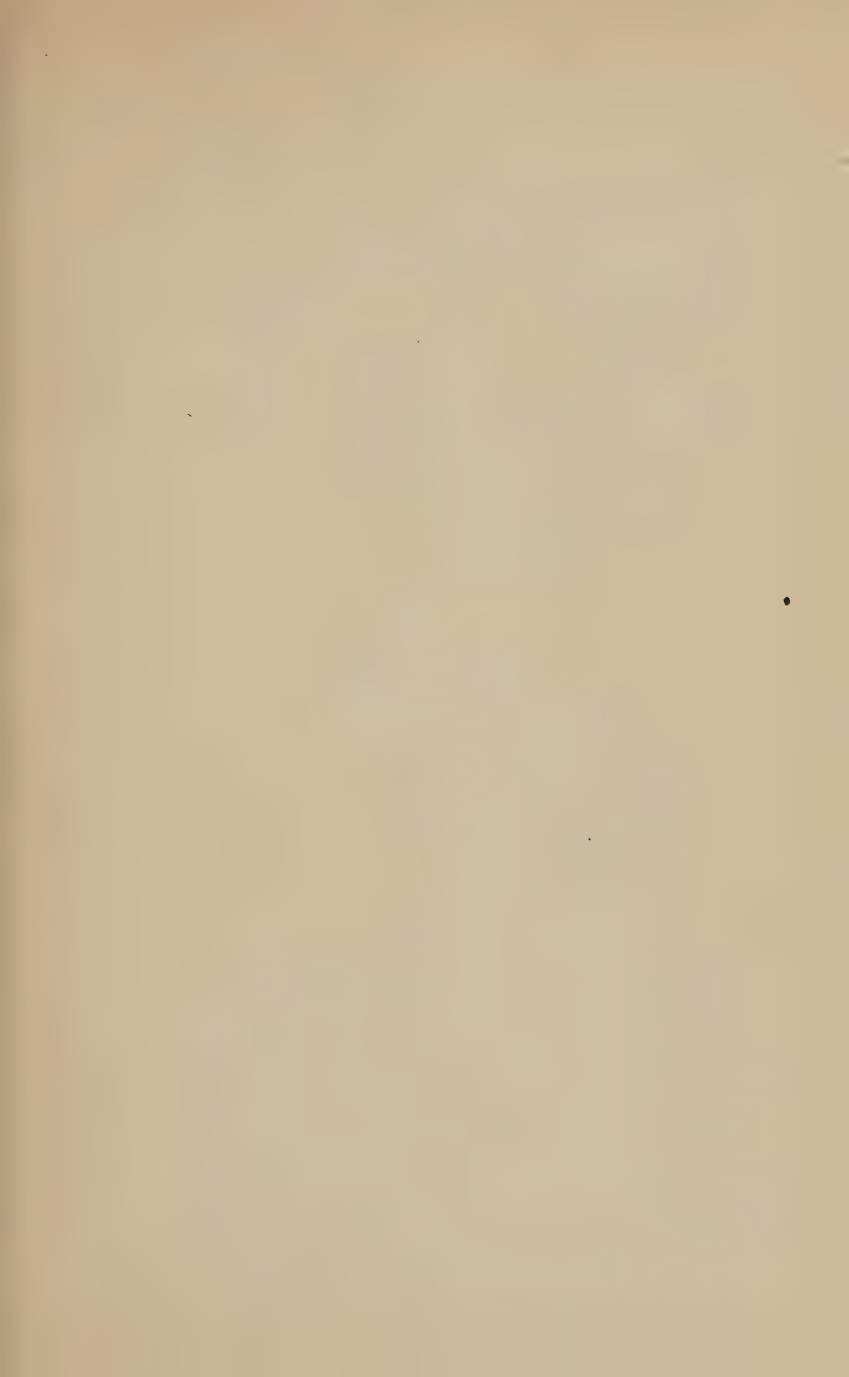
There were other witnesses examined to show that the Plaintiff and his wife had formerly lived in harmony.

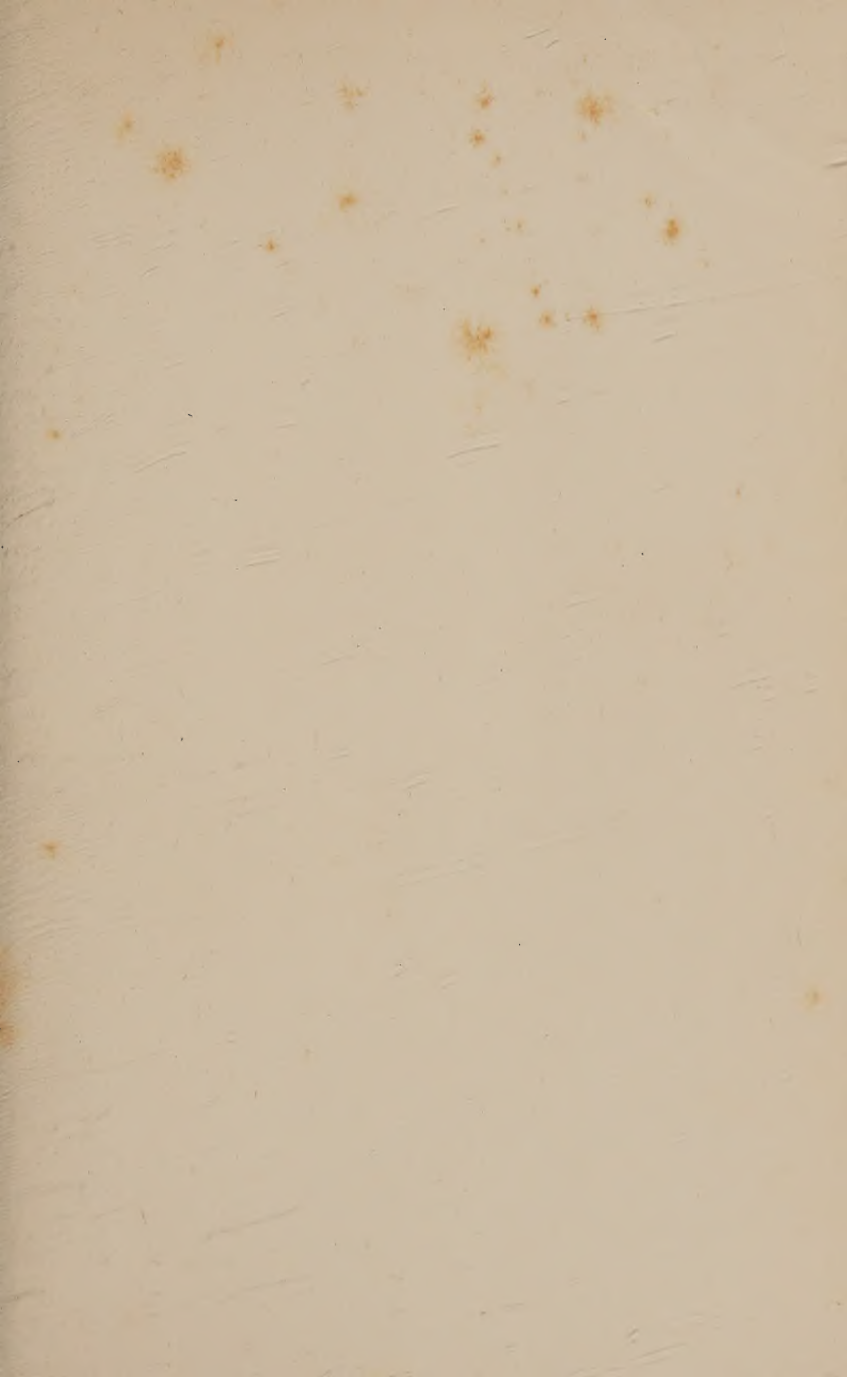
The Defendant's Counsel observed, upon the evidence, that the Plaintiff did not come for his wife, but to strip her of what he could find. Why did he not take her along with him?

In reply to this the Plaintiff's Counsel showed that the Plaintiff was at that time under a recognizance for the peace and behaviour to her; and that if he should attempt to compel her to go along with him he might be in danger of forfeiting his recognizance.

After hearing his Lordship's charge the Jury went out, and in less than half-an-hour found a verdict for the Plaintiff, and FIVE HUNDRED POUNDS damages.

FINIS.





✓

mu

